

CAPTAIN ROBERT LAYTON.

[To accompany bill H. R. No. 448.]

MAY 26, 1842.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, submitted the following

REPORT :

The Committee on Revolutionary Pensions have, according to order, had under consideration the claim of Charles Layton, executor of Captain Robert Layton, deceased, and report :

That they find that Captain Robert Layton was placed on the pension roll on the 5th of June, 1833, at the rate of \$373 33 per annum, being for eight months as a captain and sixteen months as a lieutenant, as stated in the Commissioner's letter of March 1, 1842; that he was allowed land bounty by the State of Virginia (4,000 acres) on the 19th December, 1831; that the payment of said pension was suspended on the 19th of August, 1835, upon no alleged error of judgment in the Commissioner in allowing said pension, upon the introduction of no testimony proving fraud or injustice on the part of the pensioner, but upon the simple statement of a stranger that the claim was without merit, and which statement was unknown to the pensioner and his friends for several years; and that his name is still withheld.

Apart from the facts before stated, your committee find that the statement or declaration of said Captain Layton is most circumstantial; that he was in the revolutionary war as captain; and that he was a very old man, of pure and upright character. This testimony was called forth in consequence of the letter aforesaid.

But your committee cannot think the decision of the Commissioner, suspending the pension of the late Captain Layton, for the reason stated, can be defended. A war-worn veteran, bowed with the weight of many winters, himself among the last of that patriotic band which achieved our independence, is offered by a grateful country a bounty to cheer the gloom that gathers about the grave. Some brother veteran, still limping along the broken bridge of time, is called to testify to dangers shared and services rendered. The testimony is barely taken before he tumbles through some unseen and broken arch, to be seen no more forever. But the testimony is sufficient—no additional and useless testimony is taken: the claim is allowed and the old soldier feels grateful and happy. He finds his compatriots sinking around him, soon to be followed; he is one by himself. It is his destiny. Plenty smiles around him, and he marches on with cheerfulness and content, when, lo! a malignant body—perhaps some dis-

appointed speculator—writes a confidential letter to the Commissioner of Pensions, and charges the claim with fraud. The Commissioner, without more ado, suspends it—gives no reasons, but suspends it; establishes a higher rule of evidence, when time has swept that evidence away and the old soldier, amid doubt, anxiety, and want, sinks into an unhappy grave. Can this be right? Your committee think not. A pension once allowed, ought not to be lightly set aside, and new and higher proofs demanded, especially when the difficulty of procuring them is greatly increased, if not insurmountable, not by the act of the pensioner, but by that of the Government. Your committee think the pension ought not, therefore, to have been suspended for the reason assigned; and they therefore consider that the children, or their descendants, of Captain Robert Layton are entitled to the pension of said Robert Layton from the 4th of March, 1835, up to the 8th of March, 1838, the day when he departed this life, and report a bill accordingly.

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That they find that Captain Robert Layton was placed on the pension roll on the 5th of June, 1833, at the rate of \$373 23 per annum, being for eight months as a captain and sixteen months as a lieutenant, as stated in the Commissioner's letter of March 1, 1842; that he was allowed land bounty by the State of Virginia (1,000 acres) on the 10th December, 1831; that the payment of said pension was suspended on the 19th of August, 1835, upon no alleged error of judgment in the Commissioner in allowing said pension, upon the introduction of no testimony proving fraud or injustice on the part of the pensioner, but upon the simple statement of a stranger that the claim was without merit, and which statement was unknown to the pensioner and his friends for several years; and that his name is still withheld.

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